

# UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

Michael Holmes

**FILED**

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U.S. DISTRICT COURT E.D.N.Y.

★

**MAR 23 2009**

★

## Judgment in a Criminal Case

(For Revocation of Probation or Supervised Release)

Case No. 00-CR-976

USM No. 59102-053

Len Kamdang, Esq.

Defendant's Attorney

BROOKLYN OFFICE

### THE DEFENDANT:

- ☒ admitted guilt to violation of condition(s) standard condition 3 of the term of supervision.  
☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

#### Violation Number

#### Nature of Violation

#### Violation Ended

#4	The offender did not answer truthfully all inquiries of the probation officer	02/20/2008
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The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 9203

03/11/2009

Date of Imposition of Judgment

Defendant's Year of Birth: 1968

S/DLI

City and State of Defendant's Residence:  
Brooklyn, NY

Signature of Judge

Dora L. Irizarry, U.S. District Judge

Name and Title of Judge

*March 16, 2009*

Date

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

EIGHT (8) MONTHS

☒ The court makes the following recommendations to the Bureau of Prisons:

The last four (4) months of the term of imprisonment imposed be served in a halfway house.

☐ The defendant is remanded to the custody of the United States Marshal.

☒ The defendant shall surrender to the United States Marshal for this district:

☐ at 09:30 ☒ a.m. ☐ p.m. on 03/20/2009

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

DEPUTY UNITED STATES MARSHAL

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### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
TWO (2) YEARS.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **SPECIAL CONDITIONS OF SUPERVISION**

- 1) The offender is not to use computer systems, Internet-capable devices, and/or similar electronic devices to commit criminal activity. The defendant shall cooperate with the United States Probation Department's monitoring of compliance with this condition. Cooperation shall include, but not be limited to, participating in a Computer & Internet Monitoring Program; identifying computer systems, Internet-capable devices, and/or similar electronic devices the defendant has access to; allowing the installation of monitoring software/hardware at the defendant's expense; and permitting random examinations of computer systems, Internet-capable devices, and similar electronic devices under the defendant's control;
- 2) At the discretion of the Probation Department, any software/hardware device used to continuously monitor the computer and internet access of the offender may be disabled or removed by the Probation Department at any time during the term of supervision. The Probation Department may continue to use methods such as, but not limited to, random examination of computer systems to assure the defendant's compliance with the conditions of supervision. The Probation Department may reinstall/enable any software/hardware device used to monitor the computer and internet access of the defendant at any time;
- 3) The offender shall not incur new lines of credit without the permission of the Probation Department and may not utilize any alias for any matter;
- 4) The offender shall abide by a curfew any time he is unemployed, wherein he shall remain at his primary residence from 9:00 p.m. until 6:00 a.m. The Probation Department may designate another nine hour period if the offender's search for employment, education, or religious services preclude the above-specified time. This curfew shall be monitored electronically and the offender shall be responsible for the costs of this monitoring;
- 5) The offender shall participate in an outpatient and/or inpatient drug treatment or detoxification program approved by the Probation Department. The offender shall pay the costs of such treatment/detoxification to the degree he is reasonably able, and shall cooperate in securing any applicable third-party payment. The offender shall disclose all financial information and documents to the Probation Department to assess his ability to pay. The offender shall not consume any alcohol or other intoxicants during and after treatment/detoxification, unless granted a prescription by a licensed physician and proof of same is provided to the Probation Department. The offender shall submit to testing during and after treatment to ensure abstinence from drugs and alcohol.